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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,515	07/25/2003	Roberto Semeia	KARAGHIOSOFF	1142

7590 05/26/2005

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EXAMINER

LEE, JONG SUK

ART UNIT	PAPER NUMBER
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3673

DATE MAILED: 05/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/626,515

Applicant(s)

SEMEIA, ROBERTO

Examiner

Jong-Suk (James) Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) 37-43 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36,44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/15/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The preliminary amendment filed July 25, 2003 has been entered.

Election/Restriction

2. Applicant's election with traverse of Group I directed to claims 1-36 and 44 in the reply filed on August 23, 2004 is acknowledged. Claims 37-43 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

The traversal is on the ground(s) that the same inventive effort arisen from the invention should not be required for restriction and the search for the different inventions would be in the same area such as class 224. This is not found persuasive because Group I, II and III, respectively, cannot be considered to demonstrate the same inventive effort, each group discloses a strap fastening device, a buoyancy compensator and a D-ring's detailed structures which are all different and distinct inventions even if some claimed parts are common and the classes and subclasses set forth in the restriction requirement are not necessarily the complete search for both inventions. Moreover, an argument that the claims of the different inventions would be covered by the same search cannot be used as the criteria for a proper traversal of the restriction requirement because 35 U.S.C. 121 makes no provision for such grounds for traversal. Moreover, such argument does not comply with the requirements of 37 CFR 111(b), Under this rule, the applicant is required to specifically point out the reasons on which he or she bases his or her conclusions that a requirement to restrict is in error. A mere broad allegation that the

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requirement is in error does not comply with the requirement of 37 CFR 1.111. Thus, the required provisional election (see MPEP 818.03 (b)) becomes an election without traverse. A proper traversal of a restriction requirement must be made on the grounds that the claims are not independent and/or distinct accompanied by supporting reasons.

The requirement is still deemed proper and is therefore made **FINAL**.

Specification

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 250 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The abstract of the disclosure is objected to because of the phrase "The invention relates to a device for retaining..." in line 1. It is suggested to be -- A device for retaining....-- .

Correction is required. See MPEP § 608.01(b).

Claim Objections

5. Claim 1 are objected to because of the following informalities:

Claim 1, line 5: "which first part" should be -- said first part --.

Claim 1, line 11: "the two parts" should be -- said first and second parts --.

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Claim 1, line 15: -- or belt -- should be inserted after “the strap”.

Claim 1, line 16: “which member” should be -- said widened member --.

Claim 1, line 17: “the other free loose end” should be -- the free loose portion --.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-36 and 44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 1: The phrase “or the like” in line 2 renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by “or the like”), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

The limitation, “a free loose portion (205)” in line 11 renders the claim indefinite because it is not clear as to whether it is relating to, or distinguished from “said free (loose) end” as recited in line 3. Further, the limitation, “the other free loose end (205)” in line 17 is obviously designated to the same element as the free loose portion.

Furthermore, this claim format is confusing because the functional preamble limitations beginning with “for retaining free loose ends” does not end and it is continuously

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recited with the "wherein" or "whereby" clauses and there is no body of the claim where the structural elements are positively claimed/recited with the open-ended or closed-ended transitional phrase, for example, -- comprising -- or -- consisting --.

Re claim 44: The claim obviously fails to particularly point out and distinctly claim the invention. This is an omnibus claim.

Claims 2-36 are also considered to be indefinite because they are dependent upon claim 1.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-36, as understood, and 44 are rejected under 35 U. S.C. 103(a) as being unpatentable over Walters et al. (US 5,378,084) in view of Fildan (US 6,056,625).

Walters et al. discloses a backpack system comprising: a free loose ends (62) of tightening or fastening straps (64), particularly in articles for wearing, said free end is a part of a segment of the strap which is secured by the other end, to a first part/waist portion (52) of the article, said first part/waist portion (52) is designed to be connected to a second

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part/shoulder portion of the article, by said segment of the strap (64), said second part being connected in an intermediate portion (46) of the segment of the strap, said segment of the strap is divided into a portion (48) for connecting the first and second parts (101, 102) of the article, and a free loose portion (62), wherein the segment of the strap is connected to said first part (52) in a permanent manner, a widened member/ring (see Fig. 2) being provided between the first part to the strap/ intermediate portion, wherein the widened member/ring has an opening (see Figs. 1-8; col.6, lines 31-68; col.7, lines 1-60).

However, Walters et al fails to disclose or fairly suggest the widened member for fastening and retaining an end of the segment of the strap to the corresponding first part, the widened member/ring has an opening through which the other free loose end of the strap passing and being retained.

Fildan discloses a strap slide comprising a widened member/brassiere/ring (10) having an elongated shape in a direction transverse to the longitudinal extension of the connecting portion of the strap (70), and a pair of parallel longitudinal branches (11, 12), one of which is inherently fastened to the first part of the article/brassiere whereas the other is fastened to the end of the strap or belt segment (5), which two branches (11, 12) are joined together at each pair of corresponding ends by a portion (17) that is particularly straight and wherein the widened member/ring (42) for fastening and retaining an end of the segment of the strap (70) to the corresponding first part, the widened member/ring has an opening through which the other free loose end of the strap passing and being retained as depicted in Figs. 10-12 (see Figs. 1-12; col.3, lines 50-67; col.4, lines 1-67; col.5, lines 1-8).

Therefore, in view of Fildan, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to replace the widened member/ring with the slip-slide member in order to enhance the reinforcement of the strap binding to the article.

Priority

10. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy of the priority documents have been received.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Other references cited disclose a buckle with strap assembly, an equipment of support garment and a backpack with adjustable shoulder harness.

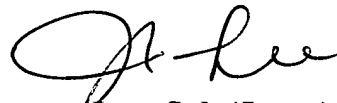
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jong-Suk (James) Lee whose telephone number is (571)272-7044. The examiner can normally be reached on 6:30 am to 3:00 pm, Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather C. Shackelford can be reached on (571) 272-7049. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

J. Lee /jjl
May 20, 2005

A handwritten signature in black ink, appearing to read 'J. Lee', with a stylized, cursive script.

Jong-Suk (James) Lee
Primary Examiner
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